



Req. #12438

RESOLUTION NO. 37948

1 A RESOLUTION relating to the Harold E. LeMay Museum; authorizing the
2 execution of the Third Amendment to the Harold E. LeMay Museum Option
3 Agreement and the Third Amendment to the Development Agreement.

4 WHEREAS, on October 2, 2009, the Harold E. LeMay Museum ("LeMay
5 Museum") provided written notice to the City that it intended to close on the
6 option to acquire City-owned property on Lots "B" and "C" of the Tacoma
7 Dome ("Dome"), and

8 WHEREAS Section 5 of the Second Amended Harold E. LeMay Museum
9 Option Agreement ("Option") requires three conditions prior to closing: (1) to
10 complete design development documents, (2) to raise 75 percent of the
11 identified cost of construction, and (3) to own or have control of at least
12 600 LeMay Museum-quality vehicles, and

13
14 WHEREAS the LeMay Museum has completed those conditions and
15 desires to close on the property, and

16 WHEREAS, as the building design has continued to evolve and the
17 needs of the project have changed, the LeMay Museum has requested
18 modification to both the Option and the Development Agreements; Now,
19 Therefore,

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21 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

22 That the proper officers of the City are hereby authorized to execute the
23 Third Amendment to the Harold E. LeMay Museum Option Agreement and the
24

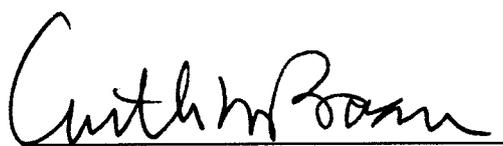
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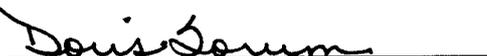
Third Amendment to the Development Agreement, said documents to be substantially in the forms of the proposed Third Amendments on file in the office of the City Clerk.

Adopted DEC 08 2009



Mayor

Attest:



City Clerk

Approved as to form:



Deputy City Attorney



CITY CLERK USE ONLY

REQUEST FOR RECEIVED

ORDINANCE RESOLUTION

Request #:	12438
Ord./Res. #:	37948

CITY CLERK'S OFFICE

1. DATE: October 30, 2009

2. SPONSORED BY: COUNCIL MEMBER(S) N/A (if no sponsor, enter "N/A")		
3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM Community & Economic Development 3b. "DO PASS" FROM <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input checked="" type="checkbox"/> Did not go before a Committee 3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? <input type="checkbox"/> Yes, on <input checked="" type="checkbox"/> Not required	4a. CONTACT (for questions): Martha Anderson 4b. Person Presenting: Martha Anderson	PHONE: 253-591-5207 PHONE: 253-591-5207
	4c. ATTORNEY: Jeff Capell	PHONE: 253-591-5638
	 Department Director/Utility Division	N/A Budget Officer/Finance Director

5. REQUESTED COUNCIL DATE: November 24, 2009

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Authorizing execution of the Third Amendment to the Harold E. LeMay Museum Option Agreement and Development Agreement.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

On October 2nd, 2009 the Harold E. LeMay Museum (HELM) provided written notice to the City that it intended to close on the option to acquire City-owned property on Tacoma Dome Lots B and C. Section 5 of the agreement requires three conditions prior to closing: 1) Complete Design Development Documents, 2) Raise 75 percent of the identified cost of construction and 3) Own or have control over at least 600 Museum Quality Vehicles. HELM has completed those conditions and desires to close on the property. As the building design has continued to evolve and the needs of the project have changed HELM has requested modification to the agreements including the following:

- Phase 1 property will adjust to approximately 7+ acres which will include all of Dome Lot B and a major portion of Dome Lot C for parking, showfield and building. Boundary line adjustment will be completed prior to closing.
- The perimeter access road connecting Dome Lots A and C will change from a 30 foot wide access road to a 22 1/2 foot wide access road. Paving and grading cost will be paid by the City.
- HELM will control approximately 124 parking stalls on Dome Lot C.
- City will be responsible for certain infrastructure improvements including vacating an existing easement for storm and sanitary in Lot C and relocating storm and sanitary to access road. HELM will be responsible for extending utilities to serve its project and City will provide access to place utilities.
- Remaining parking in Lot C will remain at current grade. HELM will install barrier berms and landscaping on its property. City will install berms and landscaping on its property.
- HELM will use parking revenues generated on its property to pay permit fees, utility relocation and parking improvements. Parking revenues will not be shared with the City.
- HELM will install parking lot catch basin and storm line in Lot C. City and HELM will split the cost.

CITY CLERK USE ONLY

REQUEST (CONT)

Request #:	12438
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- City will provide location on City property for HELM signage.
- HELM agrees to not object to the City adding additional parking deck level(s) on Lot A with reasonable design review rights.

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Harold E. LeMay Museum Option Agreement and Development Agreements	City Clerk's Office
First Amended Harold E. LeMay Museum Option Agreement and Development Agreements	City Clerk's Office
Second Amended Harold E. LeMay Museum Option Agreement and Development Agreements	City Clerk's Office
Draft Third Amended Harold E. LeMay Museum Option Agreement and Development Agreements	City Attorney's Office

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A. A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B. A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C. A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

11. FINANCIAL IMPACT: EXPENDITURE REVENUE

- A. NO IMPACT (NO FISCAL NOTE)
- B. YES, OVER \$100,000, Fiscal Note Attached
- C. YES, UNDER \$100,000, (NO FISCAL NOTE)
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted? Yes No Where? Cost Center:
Acct #:

Resolution No. 37948

Adopted: DEC 08 2009

Maker of Motion: Strickland

Seconded: Manthou

Voice Vote:

Vacant

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				
Mr. Fey	<i>2</i>			
Ms. Ladenburg	<i>2</i>			
Mr. Lonergan	<i>2</i>			
Mr. Manthou	<i>2</i>			
Ms. Strickland	<i>2</i>			
Mr. Talbert	<i>2</i>			
Ms. Walker	<i>2</i>			
Mayor Baarsma	<i>2</i>			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				
Mr. Fey				
Ms. Ladenburg				
Mr. Lonergan				
Mr. Manthou				
Ms. Strickland				
Mr. Talbert				
Ms. Walker				
Mayor Baarsma				